

DEC - 7 2007 9:15

JEANNE G. QUINATA
Clerk of Court

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6
7 **IN THE UNITED STATES DISTRICT COURT**
8 **TERRITORY OF GUAM**
9

10
11 **UNITED STATES OF AMERICA,**

12 **vs.**

13
14 **KELLY FRANCISCO,**

15 **Defendant.**
16

CRIMINAL CASE NO. CR07-00095

**JUSTIFICATION FOR CONTINUANCE OF
TRIAL ORDER DATES**

- 17
18 1. Johnnie Fortner and Kelly Francisco were indicted in the instant case on the charges
19 conspiracy to manufacture methamphetamine and attempted manufacture of
20 methamphetamine.
21 2. On October 19, 2007 the Court issued a TRIAL ORDER setting a date of November 21,
22 2007 for motion cut-off and a date of December 12, 2007 at 9:30 a.m. for trial.
23 3. On December 3, 2007, Defendant Fortner filed a Motion to Suppress.
24 4. Defendant Francisco has recently received additional discovery concerning his alleged
25 conduct and concerning alleged drug quantity. Defendant Francisco and the government
26 continue to work on discovery issues.
27

- 1 5. Defendant Francisco requests a continuance of the dates scheduled by the Court
2 specifically including the motion cut-off date and the trial date. This continuance is
3 requested because Defendant Francisco had been unable to evaluate the case or to make
4 strategic decisions until all discovery had been transmitted, including the possible filing of
5 dispositive pre-trial motions.
6
7 6. The government transmitted additional discovery on December 4 and 5. Defendant
8 Francisco and his counsel must now review the discovery, meet, and decide the
9 appropriate strategy to address the allegations made against him in the Indictment, and
10 verify whether or not further discovery is outstanding.
11
12 7. This continuance is made in the interests of justice to ensure that Defendant Francisco
13 receives and has a meaningful opportunity to review all available discovery and case
14 materials, to ensure that the criminal proceedings against him comply with his Due
15 Process rights, to ensure adequate preparation for trial and pretrial issues, to ensure that he
16 has a fair trial and effective representation.
17
18 8. A continuance of forty-five (45) days of all Court ordered dates is believed to be sufficient
19 to ensure that the interests of justice are served.

20 DATED this 6th day of December, 2007.

21 LUJAN AGUIGUI & PEREZ LLP

22 By:



23 PETER C. PEREZ, ESQ.

24 Attorneys for Defendant Kelly Francisco

25 F-0020/888-00/0888/PCP/dmg